

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

TAKIA WALTON, DANYLLE	)	
MCHARDY, GEORGE DE LA PAZ JR.,	)	
KEVIN JACOBS and FEIONA DUPREE,	)	
Individually, and on behalf of all others	)	
similarly situated,	)	CIVIL ACTION FILE NO.
	)	1:19-CV-4466-LMM
Plaintiffs,	)	
	)	
v.	)	
	)	
PUBLIX SUPER MARKETS, INC.,	)	
	)	
Defendant.	)	

**JOINT MOTION TO CONTINUE STAY AND SET DISCOVERY SCHEDULE**

The parties in this case jointly move (1) to continue this Court's stay of proceedings until May 24, 2021 to facilitate mediation and ongoing settlement negotiations, and (2) for a discovery schedule to govern in the event the parties' settlement negotiations fail to produce an agreement.

Since this Court granted the parties' previous motion to stay, the parties have in good faith tried to resolve this matter. To that end, they have agreed to mediate this matter on April 23, 2021 – the first date available to both parties and the mediator – using the same mediator who mediated very similar claims in *Aiuto v. Publix Super Markets, Inc.*, No. 1:19-cv-4803. The *Aiuto* mediation produced a

settlement agreement that is currently before this Court upon a motion for approval.

To facilitate mediation and possible settlement of this case, the parties jointly request that this Court continue its stay of proceedings and all deadlines in this matter until May 24, 2021.

If mediation fails to produce an agreement, the parties request that the Court extend the time to complete discovery—including written discovery, fact witness depositions, and expert discovery—to August 24, 2021. Given the similarities between this case and *Aiuto*, the parties here reduced the pace of discovery as that case wound towards submission of a settlement for Court approval. Although both parties hope to resolve their differences at mediation, in the event they cannot, they respectfully ask the Court for an extension of time to complete discovery.

A proposed order follows this motion.

Date: March 23, 2021

Respectfully submitted,

/s/ Arnold J. Lizana III

Arnold J. Lizana III  
Georgia Bar No. 698758  
LAW OFFICES OF ARNOLD J.  
LIZANA III  
1175 Peachtree Street NE, 10th Floor

/s/ Brett C. Bartlett

Brett C. Bartlett  
Georgia Bar No. 040510  
Lennon B. Haas  
Georgia Bar No. 158533  
SEYFARTH SHAW LLP

Atlanta, Georgia 30361  
Telephone: (877) 443-0999  
alizana@attorneylizana.com

Taft L. Foley II  
Texas Bar No. 24039890  
THE FOLEY LAW FIRM  
3003 South Loop West, Suite 108  
Houston, Texas 77054  
Telephone: (832) 778-8182  
Taft.Foley@thefoleylawfirm.com

Attorneys for Plaintiffs

1075 Peachtree St. NE, Suite 2500  
Atlanta, Georgia 30309-3958  
Telephone: (404) 885-1500  
bbartlett@seyfarth.com  
lhaas@seyfarth.com

Attorneys for Defendant

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

TAKIA WALTON, DANYLLE	)	
MCHARDY, GEORGE DE LA PAZ JR.,	)	
KEVIN JACOBS and FEIONA DUPREE,	)	
Individually, and on behalf of all others	)	
similarly situated,	)	CIVIL ACTION FILE NO.
	)	1:19-CV-4466-LMM
Plaintiffs,	)	
	)	
v.	)	
	)	
PUBLIX SUPER MARKETS, INC.,	)	
	)	
Defendant.	)	

**ORDER**

Before the Court is the parties' joint motion to continue stay and set discovery schedule. For good cause shown, the Court **GRANTS** the motion. This case and all associated deadlines are stayed until May 24, 2021. If the parties have not submitted a settlement agreement for Court approval by that date, the parties have until August 24, 2021 to complete all discovery, and until September 23, 2021 to file any dispositive motions.

**IT IS SO ORDERED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

---

**Leigh Martin May**  
**United States District Judge**

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

TAKIA WALTON, DANYLLE	)	
MCHARDY, GEORGE DE LA PAZ JR.,	)	
KEVIN JACOBS and FEIONA DUPREE,	)	
Individually, and on behalf of all others	)	
similarly situated,	)	CIVIL ACTION FILE NO.
	)	1:19-CV-4466-LMM
Plaintiffs,	)	
	)	
v.	)	
	)	
PUBLIX SUPER MARKETS, INC.,	)	
	)	
Defendants.	)	

**LOCAL RULE 7.1(D) CERTIFICATION**

I certify that this Joint Motion to Stay has been prepared in Book Antiqua 13-point font as approved by Local Rule 5.1(B).

s/ Brett C. Bartlett  
Counsel for Defendant